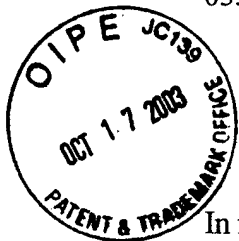


03500.005745.36

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application  
of U.S. Patent No. 5,661,362

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Examiner: M. Day

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SEISHIRO YOSHIOKA ET AL.

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Group Art Unit: 2879

Appln No.: 09/384,326

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Filed: August 26, 1999

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For: FLAT PANEL DISPLAY  
INCLUDING ELECTRON  
EMITTING DEVICE

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)

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Commissioner for Patents  
Washington, D.C. 20231

SUPPLEMENTAL REISSUE DECLARATION  
FOR REISSUE PATENT APPLICATION (37 C.F.R. 1.175)

Sir:

As a below named inventor, I hereby declare and say that:

1. I believe that I am one of the original, first and joint inventors of the subject matter which is claimed in the subject reissue application and for which a reissue patent is sought on the invention entitled FLAT PANEL DISPLAY INCLUDING ELECTRON EMITTING DEVICE, the specification of which was filed on August 26, 1999 as U.S. Reissue Application No. 09/384,326, and amended on various dates including October 10, 2000, October 20, 2002, March 28, 2001, April 26, 2001, January 17, 2002, June 13, 2002, August 21, 2002, and May 6, 2003.

2. I have reviewed and understand the contents of the above-identified reissue application, including the claims.

3. I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 C.F.R. § 1.56.

4. I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application, which designates at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
Japan	62-174837	July 15, 1987	Yes
Japan	62-250448	October 2, 1987	Yes
Japan	62-255063	October 9, 1987	Yes
Japan	62-255068	October 9, 1987	Yes
Japan	63-102485	April 27, 1988	Yes
Japan	63-102486	April 27, 1988	Yes
Japan	63-102487	April 27, 1988	Yes
Japan	63-102488	April 27, 1988	Yes
Japan	63-154516	June 21, 1988	Yes

5. I believe that the original, above-identified U.S. Patent is partly inoperative by reason of my having claimed less than I had the right to claim in the subject

patent; specifically, while U.S. Patent 5,661,362 correctly claims some aspects of our invention, namely a display device as defined in at least some of original patent Claims 1-42, the patent does not claim other aspects to which we are entitled. Therefore, our original U.S. Patent 5,661,362 does not provide adequate protection for those aspects of our invention. The claims which have been added in the present reissue application (including those which are presently pending) define those aspects of our invention, recite at least some features which do not appear in any of the claims of our original U.S. Patent 5,661,362, and should be included in the patent.

Original Claims 1-14 and 27-42 of our U.S. Patent 5,661,362 (as corrected in the Certificate of Correction issued on March 31, 1998) each recite a display device comprising, *inter alia*, fluorescent members located at an inner side of a face plate above an electron-emitting device, and original Claims 15-26 of our U.S. Patent 5,661,362 (as corrected in the Certificate of Correction issued on March 31, 1998) each recite a display device comprising, *inter alia*, fluorescent members located at an inner face of a face plate disposed above an electron-emitting device. At least some of the claims which have been added in this reissue application recite at least some features that are broader than the foregoing features of original patent Claims 1-42. For example, one of the errors in our U.S. Patent 5,661,362 is that none of those original patent claims provides patent protection for a broader aspect of the present invention not necessarily requiring the specific feature of fluorescent members located at an inner side or face of a face plate above an electron-emitting device. Such a broader aspect of the present invention is now

set forth in, for example, Claim 56, which recites a display apparatus including a fluorescent layer.

During the prosecution of U.S. Patent Application No. 08/657,385, which matured into the above-identified U.S. Patent, and during the prosecution of the parents of U.S. Patent Application No. 08/657,385, I did not appreciate that the claims which have been added in the present reissue application could have been presented for examination. After that patent issued, it was noticed by an official of the Intellectual Property Department of Canon Kabushiki Kaisha, the assignee of the entire interest in the patent, that the invention as defined in those claims could and should have been claimed by the inventors.

Accordingly, I believe that the failure of our U.S. Patent 5,661,362 to provide adequate protection for the aspects of our invention discussed above and set forth in the added reissue claims, including, *inter alia*, Claim 56, renders the patent partly inoperative for the reason that we claimed less than we had the right to claim in the patent.

6. I hereby declare and say that every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on my part.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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